

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

JOHNNY VEGA DAVILA

DEBTOR(S)

CASE NO. 10-04343 (SEK)

CHAPTER 13

**REPLY TO DEBTOR'S OBJECTION TO CLAIM NO. 6 FILED BY DEPARTMENT
OF TREASURY**

TO THE HONORABLE COURT:

COMES NOW, The Treasury Department of the Commonwealth of Puerto Rico, herein "the Treasury Department", through the Secretary of Justice, by the undersigned counsel, and respectfully states and prays as follows:

1. This Honorable Court has jurisdiction under Title 28 USC §1334, and venue under Title 28 USC §1408.

2. On **May 20, 2010**, Debtor filed the instant petition for relief under Chapter 13. **Please see Docket no. 1.**

3. On **August 30, 2010**, the Puerto Rico Treasury Department filed Proof of Claim No.6, for the tax years 2005-2009, which included an unsecured priority debt of \$46,125.22 and a general unsecured debt of \$13,255.09 for a total tax liability of \$ 59,380.31. **Please see Bankruptcy Claims Register, under claim no. 6-1.**

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4. On **November 8, 2010**, Debtor filed an Objection to the Proof of Claim No.6. In sum, Debtor argues "that for the year 2005 was unemployed and move to the United States and was not obligated to file taxes. That for 2006 and 2007 did was employee in the United States and comply filing his Tax returns at the corresponding State where was resident. That debtor is currently federal employee which since 2008 he has been complying with filing his tax return." **Please see Docket no.23.**

5. After a careful analysis of the records, Treasury filed an Amended Proof of Claim No.6-2. **Please see Bankruptcy Claims Register, under claim(s) no.6-2.**

6. Treasury's Amended Proof of Claim No.6-2, for tax years 2008 and 2009, included an unsecured priority debt of \$9,857.13 and a general unsecured debt of \$2,538.12, for a total tax liability of \$12,395.25. **Please see Bankruptcy Claims Register, under claim no. 6-2.**

7. Therefore, the filing of claim No.6-2 renders Debtor's Objection moot.

WHEREFORE, the Treasury Department of the Commonwealth of Puerto Rico respectfully prays from this Honorable Court to deny the Debtors' objection to claim No.6 included in Docket No.23, and to enter an Order for the allowance and payment of claim No. 6-2 as filed.

CERTIFICATE OF SERVICE

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I hereby certify that on this same date a true and correct copy of the present *motion* was electronically filed with the clerk of the Court using CM/ECF System which will send notification of such filing at the authorized address to **Atty. Alejandro Oliveras Rivera**, Chapter 13 Trustee and to the Attorney for Debtor, **Atty. Jose M. Prieto Carballo**, and to all the Creditors disclosed under the List of Creditors.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 7 of December 2010.

GUILLERMO SOMOZA COLOMBANI

Secretary of Justice of the Commonwealth
of Puerto Rico

GRISEL SANTIAGO CALDERÓN

Deputy Secretary of Justice
In Charge of Litigation

WANDYMAR BURGOS VARGAS

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